IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15788 of 2003

Between:

K.S. Narayana,

S/o.Sri K.R. Sundra Chary

R/o. Tirupati, Chittoor District, and
Unit Worker, Potu, in T.T.D. (Under Dismissal).

..... PETITIONER

AND

1 Executive Officer, Tirumala Devasthanams,
Tirupati, Chittoor District.
2 Deputy Executive Officer (General),

Tirumala, Tirupati Devasthanams,
Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a Writ, order or direction preferably in the nature of Writ of Certiorari and after calling for records pertaining to Proceedings No.Roc.No.DA3/15917/ 2003, dt: 7-7-2003 issued by the 2nd respondent terminating the services as illegal, wholly without power or jurisdiction, contrary to law and unconstitutional and quash the same as such and consequently direct the respondent to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner: DR.K.LAKSHMINARASIMHA

Counsel for the Respondents: MR.A.K.JAYAPRAKASH RAO

The Court made the following :

ORDER:

The petitioner was working as an un-absorbed unit worker in the potu of the Thirumala Tirupathi Devasthanam (for short 'The TTD'). He has been discharged from service by the order dated 07-07-2003 which reads as under:

PROCEEDINGS

SUB: *TTD-DA Section, Tirupati – Sri K.S.Narayana, Unit Worker*

(un-absorbed) – caught hold while accepting illegal gratification of Rs.10/- from pilgrim for issuing of 10 Nos. free prasadam laddus on 1-6-2003 – Report received –

Discharged from service – Orders – Issued.

READ: 1. *Report of CV & SO in Roc.No.S2/1072/CV&SO/2003,*

Dated.2-7-2003.

2. *Note orders of Executive Officer, TTDs.*

ORDER:

Sri.K.S.Narayana, Un-absorbed Unit Worker Potu, Sri. T.T., Tirumala is hereby discharged from Service as his services are no longer required.

The Assistant Executive Officer (Potu), Sri.T.T.Tirumala is requested not to permit him to duty with immediate effect and report compliance immediately.

Though, the operative portion of the order is expressed as a non stigmatic discharge from service, it is apparent from the notings in the subject portion of the proceedings that the alleged conduct of the writ petitioner in accepting illegal gratification of Rs.10/- from a piligrim by issuing ten (10) free prasadam laddus on 01-06-2003 consituted the foundation for discharge from service. The misconduct has therefore been the foundation for the termination from service. Demonstrably and admittedly the petitioner has not been discharged from service after a due process of inquiry. As the discharge is punitive in the context of the impugned proceedings read as a whole, no such termination without a due process of inquiry could be sustained.

The Writ Petition is accordingly allowed, the order dated 07-07-2003 of the second respondent is set aside. Nothing in this judgment shall be construed as an expression by this Court of the guilt or innocence of the petitioner. The respondents are at liberty to take appropriate action in accordance with the law.

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13-07-2004

pvks/vs

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devender Gupta, the Chief Justice on this Tuesday, the thirteenth day of July, Two thousand and four.

To

1 The Executive Officer, Tirumala Devasthanams,
Tirupati, Chittoor District.
2 The Deputy Executive Officer (General),

Tirumala, Tirupati Devasthanams,
Tirupati, Chittoor District.

3 Two CD copies.